

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Arthur L. Cleary, Joseph A. Lahut, Rainer Rall and Paul Duncanson

Application No.: 10/057,797

Group: 3651

Filed: October 29, 2001

Examiner: Not Assigned

Confirmation No.: 9380

For: Printing System With Vacuum Table

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>9-25-02</u>	<u>Jane Morgan</u>
Date	Signature
<u>JANE MORGAN</u>	
Typed or printed name of person signing certificate	

PETITION UNDER 37 CFR §1.53(e)(2) IN RESPONSE TO NOTICE OF OMITTED ITEMS

Box DAC
Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Attn: Office of Petitions

Sir:

In response to the Notice of Omitted Item(s) in a Nonprovisional Application mailed on September 5, 2002, Applicants hereby file a petition under 37 CFR §1.53(e)(2) requesting that pages 3, 8 and 13 indicated as omitted in the Notice of Omitted Item(s) be acknowledged as being filed with the USPTO as of October 29, 2001. A copy of the Notice is attached.

In support of the petition, enclosed is a copy of the postcard filed with the application, and returned with the serial number and date received indicating the total pages received was 14. A copy of the missing pages, 3, 8 and 13 is also enclosed.

10/02/2002 AWONDAF1 00000092 080380 10057797

01 FC:122 130.00 CH

Adjustment date: 11/05/2002 AKELLEY
10/02/2002 AWONDAF1 00000092 080380 10057797
01 FC:1460 130.00 CR

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As stated in M.P.E.P. §503, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. In the present case, the date-stamped postcard receipt specifically identifies 14 pages as being received in the USPTO on October 29, 2001. Accordingly, it is submitted that the Applicants have provided sufficient evidence to prove receipt of the missing pages 3, 8 and 13, in the USPTO as of the filing date of October 29, 2001.

Please reissue an updated corrected filing receipt to indicate the total number of claims filed should be 20, independent claims should be 2 and we maintain the original filing date of October 29, 2001.

Authorization is hereby granted to charge the \$130 Petition Fee under 37 CFR 1.17(h). Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
John M. Card
Registration No.: 48,423
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date:

Sept. 25, 2001

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/057,797	10/29/2001	Arthur L. Cleary	3128.1001-001

CONFIRMATION NO. 9380

FORMALITIES LETTER



OC000000008738035

Leo R. Reynolds, Esq.
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133



Date Mailed: 09/05/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 3, 8, 13 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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A copy of this notice MUST be returned with the reply.

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